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Attorneys for Plaintiff
 Amaretto Ranch Breedables, LLC

Attorneys for Defendant
 Ozimals, Inc.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 (SAN FRANCISCO DIVISION)

AMARETTO RANCH BREEDABLES, LLC,) Case No.: C-10-05696 CRB

) Plaintiff,

) vs.

) OZIMALS, INC.,

) Defendant.

) **STIPULATION AND [PROPOSED]**
) **ORDER**

WHEREAS, on January 11, 2011 during the Case Management Conference before this Court, Plaintiff Amaretto Ranch Breedables, LLC ("Plaintiff") informed this Court and Defendant Ozimals, Inc. ("Defendant") of its intent to amend its Complaint;

WHEREAS, on January 19, 2011, Defendant filed a Motion to Dismiss certain causes of action pleaded in Plaintiff's Complaint (DE 60);

1 WHEREAS, the parties have met and conferred regarding the most efficient course of
2 proceeding in light of Plaintiff's intended amended pleading and Defendant's Motion,

3 IT IS HEREBY STIPULATED, by and between the parties, hereto, through their respective
4 counsel, as follows pursuant to Civ. L. R. 6-1 and 7-12:

5 1. Upon entry of the Court's Order pursuant to this Stipulation, Defendant will
6 withdraw its Motion to Dismiss and associated filings (DE 60 and 61) without prejudice to re-file
7 such a motion as set forth in this Stipulation;

8 2. Plaintiff will have 14 days from the entry of this Court's Order to file and serve its
9 First Amended Complaint;

10 3. Defendant's counsel, Mr. Stephen Wu, will accept service of the First Amended
11 Complaint, on behalf of Defendant Ozimals, Inc.;

12 4. Defendant will have 30 days from service of the First Amended Complaint to file and
13 serve its response;

14 SO STIPULATED this 21st day of January, 2011:

15 Dated: January 21, 2011

KRIEG, KELLER, SLOAN, REILLY & ROMAN LLP

17 By: _____/s/_____

18 KENNETH E. KELLER

19 Attorneys for Plaintiff

Amaretto Ranch Breedables, LLC

20 Dated: January 21, 2011

COOKE, KOBRICK, & WU LLP

22 By: _____/s/_____

23 STEPHEN S. WU

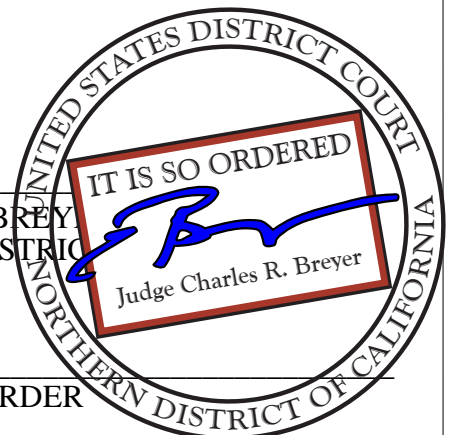
24 Attorneys for Defendant

Ozimals, Inc.

25 **PURSUANT TO STIPULATION, IT IS SO ORDERED.**

26 DATED: January 25, 2011

27 HON. CHARLES R. BREYER
28 UNITED STATES DISTRICT COURT



DECLARATION OF CONSENT

Pursuant to General Order No. 45, Section X(B) regarding signatures, I hereby attest under penalty of perjury that concurrence in the filing of this document has been obtained from Stephen S. Wu, counsel for Defendant.

Dated: January 21, 2011

KRIEG, KELLER, SLOAN, REILLY & ROMAN LLP

By: _____/s/_____
KENNETH E. KELLER
Attorneys for Plaintiff
Amaretto Ranch Breedables, LLC